



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:

P.C. 11/17/03      Item:3.b2

File Number:

GP03-T-08

Council District and SNI Area:

4

Major Thoroughfares Map Number:

50

Assessor's Parcel Number(s):

097-60-007, -008 & -009

Project Manager:

Mike Mena

## GENERAL PLAN REPORT

### 2003 Fall Hearing

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**TEXT REFERENCE:**

Amend Chapter IV, Urban Design Policy # 10, page 72.

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**PROJECT DESCRIPTION:**

Amend the Urban Design Policies within the *San Jose 2020 General Plan* to increase the maximum building height from 120 feet to 150 feet for a 47.8-acre site located within the Rincon de Los Esteros Redevelopment Area.

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**LOCATION:** The area generally bounded by Route 87, Highway 101, Karina Court and North First Street.

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**ACREAGE:** 47.8

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**APPLICANT/OWNER:**

eBay Inc.

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**ENVIRONMENTAL REVIEW STATUS:**

Pending. Environmental Impact Report for the eBay North Development Project and General Plan Amendment.

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**PLANNING STAFF RECOMMENDATION:**

Approve the proposed text amendment.

Approved by:

Date:

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**PLANNING COMMISSION RECOMMENDATION:**

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**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

See attached memorandums: Santa Clara Valley Transportation Authority

Santa Clara County Airport Land Use Commission

Santa Clara Valley Water District

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**GENERAL CORRESPONDENCE:**

None received.

**ANALYSIS AND RECOMMENDATIONS:**

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**BACKGROUND**

The applicant, eBay Inc., has requested an amendment to the text of the *San Jose 2020 General Plan* to modify Urban Design Policy No. 10 to increase the maximum allowable building height from 120 feet to 150 feet for an approximately 47.8-acre site generally bounded by the Guadalupe Parkway (Route 87), Highway 101, Karina Court and North First Street. The subject site is surrounded on three sides by industrial park uses and abuts Highway 101 to the west. The Norman Y. Mineta International Airport is located across Highway 101 from the project site.

The subject site is located within the Guadalupe Transit Oriented Development Corridor. Transit Oriented Development Corridors are areas designated in the General Plan as appropriate for intensification of residential and mixed uses as well as non-residential uses (e.g., employment uses) centered along existing and/or planned light rail transit lines and major bus routes. The subject site is also located within the boundary of the North San Jose Area Development Policy which encompasses the area north of Highway 101 and south of Highway 237. The North San Jose Area Development Policy was established to allow development in the North San Jose industrial area under a special transportation level of service standard by stipulating maximum floor area ratios for development and other provisions.

If this text amendment is approved, a minor text revision to the North San Jose Area Development Policy is proposed to reflect the subject General Plan Text Amendment on this specific site. Other pending projects associated with this General Plan Amendment include a Development Agreement between eBay Inc. and the City, a Site Development Permit (H03-039) to allow construction of a 2,000,000 square foot corporate research & development campus (eBay Inc.), a Tentative Map (T03-091) to subdivide three parcels into 13 lots, a Special Use Permit to allow for an off-site/alternative parking arrangement (SP03-045), and a partial Street Vacation of O'Nel Drive which traverses through the subject site.

**ANALYSIS**

This analysis addresses the consistency of the proposed project with the applicable General Plan Major Strategies and Land Use Policies.

The City's Economic Development Major Strategy encourages maximizing the City's land resources in order to attract a larger share of the region's economic development. The Economic Development Major Strategy also emphasizes the development and redevelopment of non-residential and job generating uses along major corridors for the health of the local economy and to shrink the current jobs/housing imbalance. Sites in close proximity to transit, particularly light rail lines, present important opportunities for increased development intensity. The proposed text amendment to allow a building height increase from 120 feet to 150 feet on the subject site is consistent with this Major Strategy in that it would facilitate intensification of development opportunities in the important North San Jose employment center located directly adjacent to the light rail line and assist the City in retaining and expanding the development of job generating uses.

The City's Growth Management Major Strategy encourages compact and efficient infill development on sites that are located near employment centers and/or on major transit routes and already served by existing municipal services. The proposed text amendment is consistent with this Strategy in that the proposed increase in building height would facilitate a compact infill development that is located within North San Jose, a major employment center, is located adjacent to the Guadalupe Light Rail Line, and is a use which would not require major expansion of City services.

Community Identity Policies in the General Plan emphasize that the City should foster development of a compact, cohesive pattern of urbanization with definite, identifiable boundaries that readily create a sense of community identity. The proposed height exception for the subject site is consistent with this policy in that North San Jose is a major corporate/employment center. Allowing increased building height would facilitate more intense urban development along North First Street, the premiere address in North San Jose, thereby strengthening the City's identity as the Capital of Silicon Valley.

The General Plan currently allows properties within Transit Oriented Development Corridors and within a reasonable walking distance of an existing or planned passenger rail station to have a maximum building height up to 120 feet. The site of the proposed height increase fronts onto North First Street, a Transit Oriented Development Corridor, and is directly adjacent to the Karina Court Light Rail Station. The proposed General Plan Text Amendment would allow future development of new industrial/research and development/office buildings of up to 150 feet in height. Given the site's proximity to the Guadalupe Light Rail Line and its location within an existing industrial area, the proposed height increase is consistent with the intent of the General Plan's Transit Oriented Development Corridors to intensify development where the proposed new development and public transit facilities would be mutually supportive.

The General Plan Transportation Policies state that development in the vicinity of airports should be regulated in accordance with Federal Aviation Administration guidelines. The Airport Land Use Commission height restriction for buildings in this area is 208 feet above mean sea level. Buildings proposed to be constructed at or above this elevation could pose an aviation safety hazard. The ground surface of the subject site is measured at 33 to 38 feet above mean sea level. Therefore, the proposed project to develop structures up to 150 feet in height would not exceed the 208-foot height restriction and would be consistent with the Airport Land Use Commission height restriction and the General Plan Transportation Policies. The Santa Clara County Airport Land Use Commission (ALUC) did review the proposed project to increase the maximum allowable building height to 150 feet and noted that the project site is located outside the ALUC referral boundary for the North San Jose Airport and therefore, had no comments regarding the project.

Finally, the proposed text amendment is consistent with the recent direction from the Mayor and City Council through the "Getting Families Back to Work" effort to facilitate new economic development and job generating uses by considering increasing floor area ratios and allow taller building height limits in North San Jose.

## **Environmental Issues**

The Ebay North Development Project and General Plan Amendment Environmental Impact Report (EIR) was prepared in conformance with the California Environmental Quality Act (CEQA). The proposed General Plan Text Amendment to amend the *San Jose 2020 General Plan* text to allow additional height does not require an Environmental Impact Report. However, because the pending development project encompasses a number of related proposals including a Development Agreement with the City to allocate future square footage from the North San Jose Area Development “pool” to allow for an ultimate build-out of 2,000,000 square feet of industrial uses on a 47.8 gross acre site, an Environmental Impact Report (EIR) was prepared and provides environmental clearance for this General Plan Amendment.

The EIR provides program and project level environmental review appropriate for the consideration of the proposed amendment to the *San Jose 2020 General Plan* text and other actions required to implement the proposed project. The EIR analyzed impacts and proposed mitigation measures, where possible, for the following items:

- land use
- transportation and circulation
- air quality
- noise
- hazardous materials
- geology and soils
- hydrology and water quality
- cultural resources
- vegetation and wildlife
- visual and aesthetics
- utilities and service systems

The EIR specifically determined that the General Plan Amendment would increase the allowable building height (120 feet) on the site by 30 feet (approximately two stories) and that the proposed increase in height would not significantly alter the visual character of this developed urban area. Further detailed analysis regarding the findings of the pending project’s Environmental Impact Report is provided in a separate staff report for the subject EIR.

## **PUBLIC OUTREACH**

The property owners within a 1000-foot radius were sent a newsletter regarding the two community meetings that were held on October 14th and 15th, 2003. They also received a hearing notice of the public hearings to be held on the subject amendment before the Planning Commission in November and City Council in December. In addition, the Department's web-site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed with the status of the amendments.

In addition, the applicant hosted a community meeting for the proposed project on October 16, 2003 at which two local businesspersons attended. The attendees had questions regarding the design of the future facility however, no significant project comments/concerns were made by the community at the meetings.

**RECOMMENDATION**

Amend the General Plan Urban Design Policies to increase the height limit of the area generally bound by Route 87, Bayshore Highway 101, Karina Court and North First Street to a maximum of 150 feet.

**Attachments**

PBCE002/GP\_Team/2001Annual Review/staff report/Fall2001staff\_reports/GP03-T-08

## PROPOSED TEXT AMENDMENT

Amend Chapter IV. Urban Design Policies #10, page 64 as follows:

### **Urban Design Policies:**

10. The maximum building heights and forms are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements at a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions:

### **SPECIFIC SITES AND GEOGRAPHICAL AREA EXCEPTIONS:**

- For properties generally bounded by Route 87, Highway 101, Karina Court and North First Street (excluding the properties constituting approximately 10.54 acres in the southwest corner of such area) the maximum allowable height is 150 feet.